



TOWN OF LUNENBURG

SPECIAL TOWN MEETING WARRANT

DECEMBER 5, 2007

Worcester, ss:

To: John E. Baker, Constable of the Town of Lunenburg, in the County of Worcester, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lunenburg, qualified to vote in elections and town affairs, to meet in the Lunenburg High School Auditorium in said Lunenburg on Wednesday, the 5th day of December, at 7:00 o'clock in the evening (7:00 P.M.), and then and there to act on the following articles, viz:

ARTICLE 1. (1) To see if the Town will vote to approve whatever action is needed to amend the FY2008 Budget which was voted at the May Annual Town Meeting in order to redistribute, supplement and allocate fund's to equitably, responsibly, fairly, and legally accommodate changes made in the conduct of the Treasurer's Tax Collector's and Town Clerk's Functions and Offices by the Chief Administrative and Finance Officer Daniel Keyes after the FY2008 Budget was voted, any such approval to accommodate the full time employment of a duly elected Town Clerk. *Submitted by petition. Board of Selectmen & Finance Committee recommendation @ Town Meeting.*

ARTICLE 2. (2) To see if the Town will vote to amend the FY2008 Budget to accommodate actions approved under the foregoing Article. *Submitted by petition. Board of Selectmen & Finance Committee recommendation @ Town Meeting.*

ARTICLE 3. To see if the Town will vote to appropriate from available funds all sums of money necessary to amend the amounts voted for the Town's FY'08 Budget, under Article 14 of the May 5, 2007 Annual Town Meeting Warrant; or take any other action relative thereto. *Board of Selectmen recommendation & Finance Committee @ Town Meeting.*

ARTICLE 4. To see if the Town will vote to appropriate from available funds the sum of \$350,000 to the Smart Growth Zoning Incentive Stabilization Fund; or take any other action relative thereto. *Board of Selectmen recommends approval.*

ARTICLE 5. To see if the Town will raise and appropriate or transfer from available funds, or borrow the sum of \$34,649.00 for the FY08 Capital Plan expenditures and to purchase for the Police Department a marked cruiser; or take any other action relative thereto. *Board of Selectmen & Finance Committee recommendation @ Town Meeting.*

ARTICLE 6. To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen, to borrow up to \$322,432 from time to time, in anticipation of revenue reimbursement from MGL Chapter 90; or take any other action relative thereto. *Board of Selectmen recommends approval, Finance Committee recommendation @ Town Meeting..*

ARTICLE 7. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to allow for a special act to read substantially as follows: An act relative to betterment assessments in the Town of Lunenburg and an Intermunicipal Agreement between the Town of Lunenburg and the Lunenburg Water District of Lunenburg for the property known as Meadow Woods Mobile Home Park, and shown on Assessors Map 065 as Lot 330.

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, or any language to the contrary contained in the vote of the town referred to below, the Town of Lunenburg may levy betterment assessments in connection with the engineering, permitting and construction of drinking water improvements at the Meadow Woods Mobile Home Park in said town, such improvements having been authorized by a vote of said town passed May 6, 2006. Such assessments may be levied by said town without regard to whether such improvements are constructed directly by said town or by another governmental unit pursuant to an intermunicipal agreement. Except as otherwise provided in this act, the provisions of sections 42G to 42K of chapter 40 of the General Laws and chapter 80 of the General Laws relative to the apportionment, division, reassessment and collection of assessments, and to interest, shall apply to assessments levied pursuant to this act.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the board of assessors of the Town of Lunenburg may, and at the request of the owner of the land assessed shall, apportion all betterment assessments or unpaid balances thereof made under section 1 of this act into a number of equal annual payments, not exceeding 40, as determined by said board or as is requested by the owner. Such payments may be further apportioned and collected by the town on quarterly tax bills or a single tax bill at the option of the town. An owner of land assessed may pay the total amount due without a prepayment penalty. Any assessments paid to said town pursuant to this section may be treated by said town as in lieu of payments anticipated to be made by the Lunenburg Water District of Lunenburg pursuant to the vote of said town referred to above.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the board of assessors of the Town of Lunenburg may, and at the request of the owner of the land assessed shall, apportion all sewer assessments or unpaid balances thereof, levied in connection with the engineering, permitting and construction of wastewater improvements at the Meadow Woods Mobile Home Park as authorized by the vote of said town passed May 6, 2006, into a number of equal annual

payments, not exceeding 40, as determined by said board or as is requested by the owner. Such payments may be further apportioned and collected by the town on quarterly tax bills or a single tax bill at the option of the town. An owner of land may pay the total amount due without a prepayment penalty.

SECTION 4. Notwithstanding the provisions of section 4A of chapter 40 of the General Laws, or of any other general or special law to the contrary, the Town of Lunenburg and the Lunenburg Water District of Lunenburg are authorized to enter into an intermunicipal agreement for a maximum term not exceeding 50 years relating to the engineering, permitting and construction and operation of drinking water improvements at the Meadow Woods Mobile Home Park in said town, such improvements and such agreement having been authorized by a vote of said town passed May 6, 2006 referred to above. Except as otherwise provided in this act, such intermunicipal agreement shall be subject to the provisions of said section 4A of said chapter 40 of the General Laws.

SECTION 5. This act shall take effect upon its passage; or take any other action relative thereto. *Board of Selectmen recommends approval, Finance Committee recommendation @ Town Meeting.*

ARTICLE 8. To see if the Town will vote to amend Article XV of the Town's By-law entitled "Salary Administration Plan of the Town of Lunenburg" (copy on file in the Selectmen's and Town Clerk's office), by deleting under SECTION 1. THE PERSONNEL COMMITTEE, "No person shall serve upon said Committee who holds an elective town office other than town meeting membership, or who is a member of any other permanent town committee, board or commission.", or take any other action relative thereto. *Board of Selectmen recommends approval, Finance Committee recommendation @ Town Meeting.*

ARTICLE 9. To see if the Town will vote to adopt a general bylaw to establish February 15th as the deadline for the CAFO to submit a proposed operating budget and an accompanying budget message to the Finance Committee for the ensuing fiscal year, in accordance with Section 6-3 of the Town Charter; or take any other action relative thereto. *Board of Selectmen recommends approval, Finance Committee recommendation @ Town Meeting.*

ARTICLE 10. To see if the Town will vote to amend Town By-law Article IX, Section 21 of the entitled "Sewer Betterment Assessments" (copy on file in the Selectmen's and Town Clerk's office) by deleting Under Section 1. Assessment, (b) Method of Assessment; uniform unit, subsection 7," and substituting therefore:

(7) Undeveloped non-residential lots shall be converted into development lots on the basis of the maximum number of lots that may be created based upon the frontage and area requirements as required in the zoning by-law in effect at the time of assessment. Each potential development lot shall then comprise one (1) sewer unit; The owner of an undeveloped lot may apply pursuant to M.G.L. c. 83 section 19 to extend the time for payment as provided in Section 3 herein below. In addition, land classified as agricultural, horticultural, recreation, or forest land, upon the application of the owner, may have the betterment assessment suspended for so long as the land is devoted to that use pursuant to M.G.L. c. 61A section 18, M.G.L., c. 61B section 13, and M.G.L. c. 61 section 5; or take any other action relative thereto. *Board of Selectmen recommends approval, Finance Committee recommendation @ Town Meeting.*

ARTICLE 11. To see if the Town will vote to amend Town By-law Article IX by inserting a new "Section 22 Fire and Emergency Medical Services Details" as follows: Anytime a Fire or Emergency Medical detail is needed for an event on Town of Lunenburg property, the Lunenburg Fire Department will be the authority having jurisdiction. The party needing/requesting the detail will notify the Lunenburg Fire Department as soon as possible with the detail information, i.e.; type of detail needed, location of detail, time detail starts, and any other pertinent information. Should the Lunenburg Fire Department be unable to fill the details they will notify the requesting party as soon as possible. Anyone in violation of the by-law will be prohibited from using Town property for 6 months for each violation; or take any other action relative thereto. *Board of Selectmen recommends approval, Finance Committee recommendation @ Town Meeting.*

ARTICLE 12. To see if the Town will vote to amend Town By-laws by inserting a new Article XXV: "Public Access Cable Committee (PACC)" **BY-LAWS**

Article I - Establishment

The name of the organization shall be the Public Access Cable Committee, herein referred to as PACC. The Selectmen activated and appointed the PACC in July 2007 to assist with the development of Lunenburg TV Channels 8 & 9.

Article II - Mission Statement

The Committee was created for the purpose of establishing a local access TV station operating on cable for the Town of Lunenburg. PACC is to oversee programming in areas of public affairs, education, entertainment and town government.

Article III - Office

The principal office shall be in Lunenburg Town Hall in the broadcast office.

Article IV - Membership

- Section 1: Number of Members - PACC Shall consist of 7 (seven) members who shall be appointed by the Lunenburg Board Of Selectmen from residents of the Town of Lunenburg or full time students at Lunenburg High School.

- Section 2: Term of Appointment -The term shall be for 3 (three) years or, in case of a vacancy, any portion of an unexpired term. Members shall be appointed for terms of three years each or, in case of a vacancy, any portion of an unexpired term, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year. The above Term of Appointment and the Term Limits Policy shall be effective with the appointments by the Board of Selectmen commencing fiscal year 2009.

- Section 3: Term Limits - Length of time to be served shall be in keeping with the Term Limits Policy as adopted by PACC. This policy may be waived by vote of PACC.

Term Limiting Policy: PACC members appointed by the Lunenburg Board of Selectmen shall not serve more than two terms in succession, plus any portion of an unfilled term, effective with the completion of current terms. In this instance, a member who has already served two terms will not be eligible for reappointment at the completion of that member's term. There shall be at least a one-year hiatus prior to reappointment after the second three-year term is served.

- **Section 4: Composition of Membership** - Members shall reflect the makeup of the community at large. Any resident of the town or any Lunenburg High School student is eligible to submit his/her name to the Lunenburg Selectmen for consideration to be appointed to PACC.
- **Section 5: Voting Power** - All duly appointed current members of PACC shall have the right to vote on all issues.
- **Section 6: Resignation** - Members appointed by the Lunenburg Board of Selectmen shall resign in writing to the Board of Selectmen and PACC.
- **Section 7: Attendance** - Regular meeting attendance is expected for all members of PACC. In the event of 3 (three) consecutive absences, except for the reason of health or extenuating circumstances as duly reported to the Chair in advance of the meeting, PACC may request resignation of that member through the appointing authority.
- **Section 8: Vacancies** - Vacancies shall be filled on the recommendation of PACC which will pass on those recommendations for review and approval by the Lunenburg Board of Selectmen.
- **Section 9: Representations** - No member of PACC shall make written or oral presentations for PACC unless authorized by a vote of PACC.
- **Section 10: Non-PACC Members** - PACC may appoint a Non-PACC member to act on PACC's behalf. In such a case, all written materials, oral presentations or communications from the Non-PACC member on behalf of PACC, will need to be approved by a vote of PACC prior to his/her presentation or execution.

Article V - Meetings

- **Section 1: Regular Meetings** - Regular meetings shall be held on a monthly basis. The meeting date, time and location will be the first Monday of each month at the Lunenburg Library starting at 7:00 p.m.
- **Section 2: Special Meetings** - The Chair or a majority of PACC members may call for Special Meetings.
- **Section 3: Organizational Meeting** - The organizational meeting shall be held at the regularly scheduled monthly meeting after the start of each fiscal year.
- **Section 4: Open Meeting Law** - All meetings shall be posted and conducted in compliance with the provisions of the Chapter 99, Section 23B of the Massachusetts General Laws. The meeting agenda shall be posted in accordance with the Town Charter.
- **Section 5: Quorum** - The presence of a simple majority of the total membership shall be necessary and sufficient to constitute a quorum for the transaction of business. Votes shall be cast only by members in attendance.

Article VI - Officers

- **Section 1: Officers** - The officers shall consist of a Chairman, Vice-Chairman and Secretary as elected by the members.
- **Section 2: Election** - Election for officers shall take place at the PACC organizational meeting.
- **Section 3: Terms Of Office** - Term of office for the officers shall be for 1 (one) year, with no restrictions on re-election, except as it pertains to the Term Limits Policy.
- **Section 4: Vacancy** - Any vacancy may be filled at a regular or special meeting of PACC with the approval of the Lunenburg Board of Selectmen. It shall be for the unexpired term of the previous incumbent. In the case of the Chair, the Vice-Chair shall fill the position of the Chair for the remainder of the unexpired term of the Chair.
- **Section 5: Duties of Officers** -

Chair - The Chair shall be the chief executive officer and be subject to the direction of PACC. The Chair or his/her designee shall provide the agendas for meetings preside at meetings and orient new members. The Chair or his/her designee shall provide all PACC members a copy of the Open Meeting Law as required by state statute.

Vice-Chair - The Vice-Chair shall exercise all the functions of the Chair

during the absence or disability of the Chair, and, when so acting, shall have all the powers and be subject to all restrictions of the Chair.

Secretary - The Secretary shall take the meeting minutes, post notices of upcoming meetings and provide minutes to PACC members. He /She shall post the meeting agenda in accordance with the Town Charter.

Article VII - Amendments - Amendments or alterations to these By-Laws may be considered at either a regular or special PACC meeting. In either case notification of the meeting and its purpose shall be given 14 (fourteen) days prior to the assembly. The notice shall include a summary of the proposed amendment, the full text of the proposed amendment or alteration, and a statement of the purpose of the proposed change. The proposed amendment must be approved by a majority vote of PACC. It will then be sent to the Lunenburg Board of Selectmen for approval and be submitted to the next Town Meeting for approval.

Article VIII - Staff - PACC shall appoint or hire staff, as is necessary, to meet programming, content and or operational requirements. All appointments and/or hires shall be approved by a majority of PACC prior to service being executed.

Article IX - Other Provisions -

- **Section 1: Establishment of Policy and Procedures** - PACC may establish policy or procedure according to the following guidelines:
- Such proposals must be presented to the PACC members at one meeting and voted on at the following meeting, except when the waiting period is waived by majority vote of the members.
- The approved policy or procedure shall be included in the PACC Policy Manual.

- Section 2: Possible Conflict – If any part of these by-laws is in conflict with municipal ordinances or by-laws, those of the municipality shall have preference. *Board of Selectmen recommends approval, Finance Committee recommendation @ Town Meeting.*

ARTICLE 13. To see if the Town will amend the Zoning Bylaw Section 6.6 entitled Performance Standard by inserting a new Section 6.7 entitled Stormwater Management-NPDES Phase II Permits or take any other action relative thereto. *Board of Selectmen recommendation @ Town Meeting.*

6.7. STORMWATER MANAGEMENT – NPDES PHASE II PERMITS

6.7.1. Purpose and Intent

6.7.1.1. Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of the Town of Lunenburg's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater which result in the; contamination of drinking water supplies; erosion of stream channels; alteration or destruction of aquatic and wildlife habitat; and flooding. This by-law establishes minimum storm water management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be born by abutters, townspeople and the general public.

6.7.1.2. This regulation requires local review and approval of a stormwater management plan for all development and redevelopment projects that disturb one (1) acre or more. In addition to these regulations, the Owner and/or developer is also obligated to meet the requirements of the Federal Environmental Protection Agency's (EPA) regulations for stormwater management.

6.7.2. The objectives of this by-law are:

6.7.2.1. To require practices to control the flow of stormwater from new and redeveloped sites town's storm drainage system in order to prevent flooding and erosion;

6.7.2.2. To protect groundwater and surface water from degradation;

6.7.2.3. To promote groundwater recharge;

6.7.2.4. To prevent pollutants from entering the town's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;

6.7.2.5. To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;

6.7.2.6. To comply with state and federal statutes and regulations relating to storm water discharges; and

6.7.2.7. To establish Lunenburg's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

6.7.3. Applicability

6.7.3.1. No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining to the Town of Lunenburg's municipal separate storm sewer system, without a permit from the Special Permit Granting Authority. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site. Construction activities that are exempt are:

a) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;

b) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;

c) The construction of fencing that will not substantially alter existing terrain or drainage patterns;

d) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;

e) Work activities of municipal, state or federal agencies or their agents outside of the Phase II boundaries as shown on the latest U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) Phase II maps.

f) As authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the activities identified in Section 6.7.3.1.a. that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this by-law.

6.7.4. Permits and Procedures

6.7.4.1. The Special Permit Granting Authority (SPGA) under this bylaw shall be the Lunenburg Planning Board. Such special permit shall be granted if the SPGA determines in conjunction with the Conservation Commission, Department of Public Works, and Zoning Enforcement Officer that the intent of this bylaw, as well as specific criteria, are met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other town boards or departments in it decision.

6.7.4.2. The site owner or his agent shall file with the SPGA, ten (10) copies of a completed application package for a Stormwater Management Permit (SMP). Permit issuance is required prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP Application package shall include:

a) A completed Application Form with original signatures of all owners;

- b) Ten (10) copies of the Stormwater Management Plan and project description as specified in Section 6.7.5.1.;
- c) Ten (10) copies of the Operation and Maintenance Plan as required by Section 6.7.6. of this by-law;
- d) Payment of the application and review fees

6.7.4.3. Entry. Filing and application for a permit grants the SPGA or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit.

6.7.4.4. Other Boards. The SPGA shall give one copy of the application package to the designated technical reviewers, which include the Conservation Commission, Department of Public Works, and Zoning Enforcement Officer for the purpose of reviewing the permit application. The SPGA may also engage the services of a peer review engineer at their discretion.

6.7.4.5. Fee Structure. The SPGA shall obtain with each submission an Application Fee established by the SPGA. The SPGA is authorized to retain a Registered Professional Engineer or other professional consultant to advise the SPGA on any or all aspects of these plans. Applicants must pay review fees before the review process may begin.

6.7.4.6. Actions. The SPGA's action, rendered in writing, shall consist of either:

- a) Approval of the Stormwater Management Permit Application based upon determination that the proposed plan meets the Standards in Section 6.7.5.2. and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this by-law;
- b) Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the SPGA which will ensure that the project meets the Standards in Section 6.7.5.2. and adequately protect water resources, set forth in this by-law;
- c) Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards in Section 6.7.5.2. or adequately protect water resources, as set forth in this by-law.

6.7.4.7. Project Completion. At completion of the project the permittee shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

6.7.5. Contents of Stormwater Management Plan

6.7.5.1. Application. The Stormwater Management Plan shall contain sufficient information for the SPGA to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in Section 2 below and the current edition of the Department of Environmental Protection guidelines and policies. The plan shall be designed to also meet the policy standards of the SPGA. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:

- a) Locus map,
- b) The existing zoning, and land use at the site,
- c) The proposed land use,
- d) The location(s) of existing and proposed easements,
- e) The location of existing and proposed utilities,
- f) The site's existing and proposed topography with contours at 2 foot intervals,
- g) The existing site hydrology,
- h) A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows.
- i) A delineation of 100-year flood plains, if applicable
- j) Estimated high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration.
- k) The existing and proposed vegetation and ground surfaces with runoff coefficient for each,
- l) A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths,
- m) A description and drawings of all components of the proposed drainage system including:
 - 1) Locations, cross sections, and profiles, of all brooks, streams, drainage swales and their method of stabilization,
 - 2) All measures for the detention, retention, or infiltration of water,
 - 3) All measures for the protection of water quality,
 - 4) The structural details for all components of the proposed drainage systems and stormwater management facilities,
 - 5) Notes on drawings specifying materials to be used, construction specifications, and typicals, and
 - 6) Expected hydrology with supporting calculations.
- n) Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
- o) Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
- p) A maintenance schedule for the period of construction, and
- q) Any other information requested by the SPGA.

6.7.5.2. Standards

6.7.5.2.1. Projects shall meet the Standards of the Massachusetts Stormwater Management Policy, which are as follows:

- a) No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.
- b) Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
- c) Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
- d) For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
 - 1) Suitable nonstructural practices for source control and pollution prevention are implemented;
 - 2) Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
 - 3) Stormwater management BMPs are maintained as designed.
- e) Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs. The use of infiltration practices without pretreatment is prohibited.
- f) Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see MA DEP's Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), cold water fisheries, and recharge areas for public water supplies.
- g) Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
- h) Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
- i) All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.
- j) When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

6.7.5.3. Project Changes. The permittee, or their agent, shall notify the SPGA in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the SPGA determines that the change or alteration is significant, based on the design standards listed in Section 6.7.5.2. and accepted construction practices, the SPGA may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or deviation from the Stormwater Management Permit occurs during a project, the SPGA may require the installation or interim measures before approving the change.

6.7.6. Operation and Maintenance Plans

6.7.6.1. Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this by-law and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Operation and Maintenance Plan shall remain on file with the SPGA and shall be an ongoing requirement. The O&M Plan shall include:

- a) The name(s) of the owner(s) for all components of the system
- b) Maintenance agreements that specify:
 - 1) The names and addresses of the person(s) responsible for operation and maintenance.
 - 2) The person(s) responsible for financing maintenance and emergency repairs.
- c) Maintenance Schedule for all drainage structures, including swales and ponds.
- d) List of easements with the purpose and location of each.
- e) The signature(s) of the owner(s).
- f) Stormwater Management Easement(s):
 - 1) Stormwater management easements shall be provided by the property owner(s) as necessary for:
 - a) Access for facility inspections and maintenance,
 - b) Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
 - c) Direct maintenance access by heavy equipment to structures requiring regular cleanout.
 - 2) The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
 - 3) Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the SPGA.
 - 4) Easements shall be recorded with the Worcester County Registry of Deeds prior to issuance of a Certificate of Completion by the SPGA.
- g) Changes to Operation and Maintenance Plans:
 - 1) The owner(s) of the stormwater management system must notify the SPGA of changes in ownership or assignment of financial responsibility.
 - 2) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the SPGA and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

6.7.7. Surety

6.7.7.1. The SPGA may require the permittee to post before the start of land disturbance or construction activity, a surety bond, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the SPGA to ensure that the work will be completed in accordance with the permit. If the project is phased, the SPGA may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the SPGA has received the final inspection report as required by Section 6.8. and issued a Certificate of Completion.

6.7.8. Inspections

6.7.8.1. At the discretion of the SPGA, periodic inspections of the stormwater management system construction may be conducted by the Town via the Planning Board, Conservation Commission DPW or a professional engineer approved by the SPGA. Written reports shall include:

- a) Inspection date and location.
- b) Evaluation of compliance with the stormwater permit.
- c) Any variations from approved specifications or any violations of the Stormwater Management Plan.

6.7.8.2. At a minimum, the SPGA or its designee may inspect the project site at the following stages:

- a) Initial Site Inspection: prior to approval of any plan.
- b) Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan.
- c) Bury Inspection: prior to backfilling of any underground drainage stormwater conveyance structures.
- d) Final Inspection: After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The SPGA or its agent may inspect the system to confirm its "as-built" features. This inspector may also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the SPGA which will issue a Certificate of Completion. As-built plans shall be full size plans that include all final grades, prepared by a Professional Engineer. All changes to project design should be clearly depicted on the as-built plans.
- e) If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act the Town of Lunenburg may use the surety bond to complete the work. If the system does not comply with the Plan, the permittee shall be notified in writing of the violation and the required corrective actions. A Stop Work order shall be issued until any violations are corrected and all work previously completed has received approval by the SPGA.

6.7.9. Waivers

6.7.9.1. The SPGA may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

- a) Such action is allowed by federal, state and local statutes and/or regulations,
- b) Is in the public interest, and
- c) Is not inconsistent with the purpose and intent of this by-law.

6.7.9.2. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-laws does not further the purposes or objectives of this by-law.

6.7.9.3. All waiver requests shall be discussed and voted on at the public hearing for the project.

6.7.9.4. If in the SPGA's opinion, additional time or information is required for review of a waiver request, the SPGA may continue the hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

6.7.10. Certificate of Completion

6.7.10.1. The SPGA will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this by-law.

6.7.11. Enforcement

6.7.11.1. Enforcement Agents

6.7.11.1.1. The Zoning Enforcement Officer in conjunction with the Planning Board, Conservation Commission and DPW Director shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

6.7.12. Civil Relief

6.7.12.1. If a person violates the provision of this bylaw, regulations, permit, notice, or order issued thereunder, the Planning Board, through the Zoning Enforcement Officer may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation

6.7.13. Orders

6.7.13.1. The Planning Board, in conjunction with the Conservation Commission and DPW Director, may issue a written order to the Zoning Enforcement Officer to enforce the provisions of this bylaw or the regulations thereunder, which may include:

- (a) elimination of illicit connections or discharges to the MS4;
- (b) performance of monitoring, analyses, and reporting;
- (c) that unlawful discharges, practices, or operations shall cease and desist,
- (d) remediation of contamination in connection therewith.

6.7.13.2. If the Zoning Enforcement Officer, in conjunction with the Planning Board, Conservation Commission and DPW Director, determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

6.7.13.3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the cost incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the cost incurred. If the amount due is not received by the expiration of the time in which to file a protests or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G. L. Ch. 59, 57 after the thirty-first day at which the costs first become due.

6.7.14. NON-CRIMINAL DISPOSITION

6.7.14.1. As an alternative to criminal prosecution or civil action, the Planning Board may elect, through the Zoning Enforcement Officer, to utilize the non-criminal disposition procedure set forth in G. L. Ch 40 Section 21D and Article X of the General Bylaws of the Town in which case the Planning Board, it authorize agents and the Zoning officer of the Town shall be the enforcing person. The penalty for the 1st violation shall be \$25.00. The penalty for the 2nd violation shall be \$50.00. the penalty for the 3rd shall be \$100.00. and \$200.00 for the 4th and each subsequent violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

6.7.14.2. Entry to perform Duties under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning Board, its agents, and employees may enter upon privately owner property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examination surveys or sampling as the Planning Board deems reasonably necessary.

6.7.15. APPEALS

6.7.15.1. The decisions or orders of the Planning board in conjunction with the Conservation Commission and DPW shall be final. Further relief shall be to a court of competent jurisdiction.

6.7.16. REMEDIES NOT EXCLUSIVE

6.7.16.1. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

6.7.17. SEVERABILITY

6.7.17.1. The invalidity of any section, provision, paragraph, sentence, or clause of these Regulations shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

ARTICLE 14. To see if the Town will amend the Zoning Bylaw Section 6.6 Performance Standards by adding a new Section 6.8 or to take any other action relative thereto. *Board of Selectmen recommendation @ Town Meeting.*

6.8. DISCHARGES TO THE MUNICIPAL STORM SEWER SYSTEM AND WATERS OF THE COMMONWEALTH – NPDES PHASE II PERMITS

6.8.1. Purpose

6.8.1.1. Increased and contaminated stormwater runoff is a major cause of: impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; flooding.

6.8.1.2. Regulation of illicit connections and discharges to the municipal storm sewer system is necessary for the protection of the town's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

6.8.1.3. The objectives of this by-law are:

- a) to prevent pollutants from entering the town's municipal separate storm sewer system (MS4);
- b) to prohibit illicit connections and unauthorized discharges to the MS4;
- c) to require the removal of all such illicit connections;
- d) to comply with state and federal statutes and regulations relating to stormwater discharges; and
- e) to establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

6.8.2. Definitions

For the purposes of this by-law, the following shall mean:

- a) **AUTHORIZED ENFORCEMENT AGENCY:** The Planning Board (hereafter the Board), its employees or agents designated to administer/enforce this by-law.
- b) **BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.
- c) **CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.
- d) **DISCHARGE OF POLLUTANTS:** The addition from any source of any pollutant or combination of pollutants into the municipal storm sewer system or into the waters of the United States or Commonwealth from any source.
- e) **GROUNDWATER:** Water beneath the surface of the ground.

- f) **ILLCIT CONNECTION:** A surface or subsurface sewer or conveyance, which allows an illicit discharge into the municipal storm sewer system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law.
- g) **ILLCIT DISCHARGE:** Direct or indirect discharge to the municipal storm sewer system that is not composed entirely of stormwater, except as exempted in Section 6.17.8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 6.17.8, of this by-law.
- h) **IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.
- i) **MUNICIPAL SEPARATE STORM DRAIN SYSTEM (MS4) or MUNICIPAL STORM SEWER SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the town of Lunenburg.
- j) **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT:** A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.
- k) **NON-STORMWATER DISCHARGE:** Discharge to the municipal storm sewer system not composed entirely of stormwater.
- l) **PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.
- m) **POLLUTANT:** Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth.
Pollutants may include but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables; pesticides, herbicides, and fertilizers; hazardous materials and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; rock, sand, salt, soils; construction wastes and residues; noxious or offensive matter of any kind.
- n) **PROCESS WASTEWATER:** Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.
- o) **RECHARGE:** The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.
- p) **STORMWATER:** Storm water runoff, snow melt runoff, and surface water runoff and drainage.
- q) **SURFACE WATER DISCHARGE PERMIT.** A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.
- r) **TOXIC OR HAZARDOUS MATERIAL or WASTE:** Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.
- s) **WATERCOURSE:** A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.
- t) **WATERS OF THE COMMONWEALTH:** All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, and groundwater.
- u) **WASTEWATER:** Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

6.8.3. Applicability

6.8.3.1. This by-law shall apply to flows entering the municipally owned storm sewerage system and waters of the Commonwealth.

6.8.4. Authority

6.8.4.1. This bylaw is adopted pursuant to the regulation of the Federal Clean Water Act found at 40 CFR 122.34 and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999 Federal Register.

6.8.5. Responsible for Administration

6.8.5.1. The Planning Board in conjunction with the Conservation Commission, Department of Public Works Director and Zoning Enforcement Officer shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the above may be delegated in writing by the above to employees or agents of the above.

6.8.6. Regulations

6.8.6.1. The Planning Board may promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the Planning Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

6.8.7. Prohibited Activities

6.8.7.1. Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

6.8.7.2. Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm sewer system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

6.8.7.3. Obstruction of Municipal Storm Sewer System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm sewer system without prior written approval from the Planning Board.

6.8.8. Exemptions

6.8.8.1. Discharge or flow resulting from fire fighting activities.

6.8.8.2. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm sewer system:

- a) Waterline flushing;
- b) Flow from potable water sources;
- c) Springs;
- d) Natural flow from riparian habitats and wetlands;
- e) Diverted stream flow;
- f) Rising groundwater;
- g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
- i) Discharge from landscape irrigation or lawn watering;
- j) Water from individual residential car washing;
- k) Discharge from dechlorinated swimming pool water (less than one ppm chlorine provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- l) Discharge from street sweeping;
- m) Dye testing, provided verbal notification is given to the Planning Board prior to the time of the test;
- n) Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations.
- o) Discharge for which advanced written approval is received from the Planning Board as necessary to protect public health, safety, welfare or the environment.

6.8.8.3. Discharge or flow that results from exigent conditions and occurs during a State of Emergency declared by any agency of the federal or state government, or by the Town of Lunenburg Chief Administrative Financial Officer, the Planning Board or the Board of Health.

6.8.9. Emergency Suspension of Storm Sewerage System Access

6.8.9.1. The Planning Board may suspend municipal storm sewer system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

6.8.10. Notification of Spills

6.8.10.1. Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and the Planning Board and the Lunenburg Board of Health. In the event of a release of non-hazardous material, the reporting person shall notify the Planning Board no later than the next business day. The reporting person shall provide to the Planning Board written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

6.8.11. Enforcement

6.8.11.1. The Zoning Enforcement Officer in conjunction with the Planning Board, Conservation Commission and DPW Director shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

6.8.11.2. Civil Relief

6.8.11.2.1. If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Planning Board through the Zoning Enforcement Officer may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

6.8.11.3. Orders

6.8.11.3.1. The Planning Board in conjunction with the Conservation Commission and DPW Director may issue a written order to the Zoning Enforcement officer enforce the provisions of this by-law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

6.8.11.3.2. If the Zoning Enforcement Officer in conjunction with Planning Board, Conservation Commission and DPW Director determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

6.8.11.4. Costs

6.8.11.4.1. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, 57 after the thirty-first day at which the costs first become due.

6.8.11.5. Non-Criminal Disposition

6.8.11.5.1. As an alternative to criminal prosecution or civil action, the Planning Board may elect through the Zoning Enforcement Officer to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, 21D in which case the Zoning Enforcement Officer of the town shall be the enforcing person. The penalty for the 1st violation shall be \$25.00. The penalty for the 2nd violation shall be \$50.00. The penalty for the 3rd violation shall be \$100.00. The penalty for the 4th violation and subsequent violations shall be \$200.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

6.8.11.6. Entry to Perform Duties

6.8.11.6.1. Under this By-Law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning Board, its agents,, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Planning Board deems reasonably necessary.

6.8.11.7. Appeals

6.8.11.7.1. The decisions or orders of the Planning Board Conservation Commission and DPW shall be final. Further relief shall be to a court of competent jurisdiction.

6.8.11.8. Remedies Not Exclusive

6.8.11.8.1. The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

6.8.12. Severability

6.8.12.1. The provisions of this by-law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this by-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this by-law.

6.8.13. Transitional Provisions

6.8.13.1. Residential property owners shall have 180 days from the effective date of the by-law to comply with its provisions or petition the Planning Board for an extension provided good cause is shown for the failure to comply with the by-law during the specified period. All other property owners shall have 180 days from the effective date of the by-law to comply with its provisions or petition the Planning Board for an extension provided good cause is shown for the failure to comply with the by-law during the specified period.

ARTICLE 15. To see if the Town will amend the Zoning ByLaw under the Table of Contents to add to the list of Section 6.0 General Provisions Affecting All Districts, two new sections entitled 6,7 Stormwater Management-NPDES Phase 11 Permits and 6.8 Discharges to the Municipal Storm Sewer System and Waters of the Commonwealth-NPDES Phase 11 Permits; or take any other action relative thereto. *Board of Selectmen recommendation @ Town Meeting.*

ARTICLE 16. To see if the Town will vote to accept as a Town Way, Sequoia Drive, as shown on a plan on file in the Board of Selectmen and Town Clerk's Office entitled "Sequoia Drive Acceptance Plan of Land in Lunenburg, Mass, prepared for Daniel Pierce, dated June 28, 2007 by Whitman & Bingham Associates, LLC", and endorsed by the Town of Lunenburg Planning Board on September 27, 2004, and to authorize the Board of Selectmen to acquire by gift, deed and eminent domain the land, easements, and rights therein, including all right, title, and interest in drainage systems, manholes, pipes, appurtenances thereto located with the above-referenced Sequoia Drive, or take any other action relative thereto. *Board of Selectmen recommend approval.*

And you are directed to serve this Warrant by posting attested copies thereof in four or more public places in the Town, fourteen (14) days at least before the day appointed for said meeting, one of which places shall be at the Town Hall, one at Whalom Variety Store in the Whalom-Bakerville District, one at Powell Stone & Gravel Co., Inc., and one at Centre Pizza and Variety, and by mailing a copy to each dwelling unit in the Town in which a registered voter resides at least fourteen (14) days prior to such meeting. Hereof, fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk at the time and place aforesaid.

Given under our hands, this 13th day of November in the year two thousand and seven.

A true copy attest:
Kathryn M. Herrick, Town Clerk

Thomas A. Alonzo, Chairman
Robert H. Bowen, Vice-Chairman
Paula J. Bertram, Clerk
Steven M. deBettencourt, Member
Thomas J. Mason, Member
BOARD OF SELECTMEN

Town of Lunenburg
P.O. Box 135
Lunenburg, MA 01462-0135

RESIDENTIAL CUSTOMER LOCAL 01462

***SPECIAL TOWN MEETING
LUNENBURG HIGH SCHOOL AUDITORIUM
December 5, 2007 7:00 P.M.***

PLEASE BRING THIS WARRANT WITH YOU TO TOWN MEETING
